

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by changing Section  
5 5-12020 as follows:

6 (55 ILCS 5/5-12020)

7 Sec. 5-12020. Wind farms. Notwithstanding any other  
8 provision of law, a A county may establish standards for wind  
9 farms and electric-generating wind devices. The standards may  
10 include, without limitation, the height of the devices and the  
11 number of devices that may be located within a geographic area.  
12 A county may also regulate the siting of wind farms and  
13 electric-generating wind devices in unincorporated areas of  
14 the county outside of the zoning jurisdiction of a municipality  
15 and the 1.5 mile radius surrounding the zoning jurisdiction of  
16 a municipality. There shall be at least one public hearing not  
17 more than 30 days prior to a siting decision by the county  
18 board. Notice of the hearing shall be published in a newspaper  
19 of general circulation in the county. Counties may allow test  
20 wind towers to be sited without formal approval by the county  
21 board. Any provision of a county zoning ordinance pertaining to  
22 wind farms that is in effect before the effective date of this  
23 amendatory Act of the 95th General Assembly may continue in

1 effect notwithstanding any requirements of this Section.

2 A county may not require a wind tower or other renewable  
3 energy system that is used exclusively by an end user to be  
4 setback more than 1.1 times the height of the renewable energy  
5 system from the end user's property line.

6 (Source: P.A. 95-203, eff. 8-16-07; 96-306, eff. 1-1-10;  
7 96-566, eff. 8-18-09; 96-1000, eff. 7-2-10.)

8 Section 10. The Illinois Municipal Code is amended by  
9 changing Section 11-13-26 as follows:

10 (65 ILCS 5/11-13-26)

11 Sec. 11-13-26. Wind farms. Notwithstanding any other  
12 provision of law:

13 (a) A municipality may regulate wind farms and  
14 electric-generating wind devices within its zoning  
15 jurisdiction and within the 1.5 mile radius surrounding its  
16 zoning jurisdiction. There shall be at least one public hearing  
17 not more than 30 days prior to a siting decision by the  
18 corporate authorities of a municipality. Notice of the hearing  
19 shall be published in a newspaper of general circulation in the  
20 municipality. A municipality may allow test wind towers to be  
21 sited without formal approval by the corporate authorities of  
22 the municipality. Test wind towers must be dismantled within 3  
23 years of installation. For the purposes of this Section, "test  
24 wind towers" are wind towers that are designed solely to

1 collect wind generation data.

2 (b) A municipality may not require a wind tower or other  
3 renewable energy system that is used exclusively by an end user  
4 to be setback more than 1.1 times the height of the renewable  
5 energy system from the end user's property line. A setback  
6 requirement imposed by a municipality on a renewable energy  
7 system may not be more restrictive than as provided under this  
8 subsection. This subsection is a limitation of home rule powers  
9 and functions under subsection (i) of Section 6 of Article VII  
10 of the Illinois Constitution on the concurrent exercise by home  
11 rule units of powers and functions exercised by the State.  
12 (Source: P.A. 95-203, eff. 8-16-07; 96-306, eff. 1-1-10.)